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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PRICE v. FACEBOOK, INC,

Plaintiffs,

v.

FACEBOOK, INC., and CAMBRIDGE
ANALYTICA, LLC

Defendants.

Case No: 3:18-cv-01732-VC

**PLAINTIFF SCHINDER'S
ADMINISTRATIVE MOTION
TO CONSIDER WHETHER
CASES SHOULD BE RELATED
UNDER LOCAL RULE 3-12(e)**

(Civil L.R. 3-12(e) and 7-11)

Hon. Vince Chhabria

INTRODUCTION

Pursuant to Local Rules 3-12(e) of the Civil Local Rules, Plaintiff Schinder (“Plaintiff”) brings this motion in support of relating *Schinder v. Facebook, Inc.*, No. 3:18-02571-EDL (“*Schinder*”) to *Price v. Facebook, Inc.*, Case No. 3:18-cv-01732 (“*Price*”). *Price* is the first-filed case in this District that concerns allegations that Facebook allowed its users’ personal information to be exploited by application developers (“app developers”) such as Cambridge Analytica LLC. *Schinder* concerns similar allegations, based on Facebook’s business dealings with Cambridge Analytica and other app developers. Because both the *Schinder* and *Price* actions concern substantially the same parties and transactions, the adjudication of the issues in separately assigned cases would duplicate efforts and waste judicial resources. Accordingly, the *Schinder* action should be related to the *Price* action, and Plaintiff Schinder hereby supports under Local Rule 3-12(e) the referral by the Hon. Elizabeth D. Laporte to relate the two actions.

BACKGROUND

On May 1, 2018, Plaintiff filed a complaint in this District on behalf of a class of consumers against defendants Facebook, Inc., Cambridge Analytica LLC, and DOES 1-100. *See* Complaint, *Schinder v. Facebook, Inc.*, Case No. 3:18-cv-02571 (N.D. Cal. filed May 1, 2018), ECF No. 1 (“*Schinder* Complaint”), attached as Exhibit 1 to the Declaration of Matthew S. Weiler (“Weiler Decl.”). The *Schinder* complaint is premised on the factual allegations that Facebook breached duties to its users and caused harm to a class of consumers by and through its relationship with Cambridge Analytica, among other third party app developers. Plaintiff has plead claims for relief under the Stored Communications Act (“SCA”), 18 U.S.C. § 2701(a); California’s Right of Publicity, Cal. Civ. Code § 3344; California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 1700, *et seq.*; Invasion of Privacy by Intrusion; and Unjust Enrichment. Plaintiff Schinder noted on his Amended Civil Cover Sheet that the *Schinder* action was related to the *Price* action, and other actions this Court has related to the *Price* action. *See* Weiler Decl., Ex. 2.

Plaintiff agrees the *Schinder* action should be related to *Price*, the first filed case in this District. Like *Schinder*, the *Price* complaint names Facebook, Inc. and Cambridge Analytica as defendants. *See* Complaint, *Price v. Facebook, Inc.*, Case No. 3:18-cv-01732 (N.D. Cal. filed March

20, 2018), ECF No. 1 (“*Price* complaint”). Specifically, the *Price* complaint alleges that Cambridge Analytica improperly exploited the personal information of over 50 million Facebook users through the app MyDigitalLife in and around the 2016 election. The complaint further states that “Facebook, for its part, knew this improper data aggregation was occurring and failed to stop it, or actively avoided discovering such knowledge in order to profess supposed ignorance.” *Id.* at ¶ 4.

On May 22, 2018, *Price* was reassigned to the Honorable Vince Chhabria. *See* Dkt. No. 10. Since that time, Judge Chhabria has issued orders relating several other cases that, like *Price*, focus on the exploitation of Facebook users’ personal information.

On April 16, 2018, the court issued an order relating the following cases to *Price*:

- *Rubin v. Facebook, Inc.*, Case No. 3:18-cv-01852 (N.D. Cal. *filed* March 26, 2018) (“Rubin Action”);
- *Gennock v. Facebook, Inc.*, Case No. 4:18-cv-01891 (N.D. Cal. *filed* March 27, 2018) (“Gennock Action”);
- *O’Kelly v. Facebook, Inc.*, Case No. 3:18-cv-01915 (N.D. Cal. *filed* March 28, 2018) (“O’Kelly Action”);
- *Beiner v. Facebook, Inc.*, Case. No. 3:18-cv-01953 (N.D. Cal. *filed* March 29, 2018) (“Beiner Action”);
- *Haslinger v. Facebook, Inc.*, Case No. 4:18-cv-01984 (N.D. Cal. *filed* March 30, 2018) (“Haslinger Action”);
- *Kooser v. Facebook, Inc.*, Case No. 3:18-cv-02009 (N.D. Cal. *filed* April 2, 2018) (“Kooser Action”).

See Dkt. No. 40.

On April 30, 2018, the court related the following additional cases to *Price*:

- *Labajo v. Facebook, Inc.*, Case No. 3:18-cv-02093-KAW (N.D. Cal. *filed* Apr. 5, 2018) (“Labajo action”);
- *Picha v. Facebook, Inc.*, Case No. 3:18-cv-02090-SK (N.D. Cal. *filed* Apr. 5, 2018) (“Picha Action”);
- *Iron Wing v. Facebook, Inc.*, Case No. 3:18-cv-02122-HSG (N.D. Cal. *filed* Apr. 6, 2018) (“Iron Wing action”);
- *Johnson v. Facebook, Inc.*, Case No. 3:18-cv-02127-SI (N.D. Cal. *filed* Apr. 9, 2018) (“Johnson action”);
- *Buckles v. Facebook, Inc.*, Case No. 3:18-cv-02189-KAW (N.D. Cal. *filed* Apr. 12, 2018) (“Buckles action”);
- *Gerena v. Facebook, Inc.*, Case No. 3:18-cv-02201-MEJ (N.D. Cal. *filed* Apr. 12, 2018) (“Gerena action”);
- *King v. Facebook, Inc.*, Case No. 3:18-cv-02276-YGR (N.D. Cal. *filed* Apr. 16, 2018) (“King action”).

See Dkt. No. 46.

1 Just like *Schinder*, these cases all center around Facebook’s business dealing with Cambridge
2 Analytica, and the personal information Facebook allowed to be exploited.

3 On May 3, 2018 the Hon. Magistrate Judge Laporte issued a referral of this case to the
4 Honorable Judge Chhabria for consideration of determining the relationship to *Price*. Weiler Decl.,
5 Ex. 3.

6 ARGUMENT

7 Under Civil Local Rule 3-12, an “action is related to another when: (1) the actions concern
8 substantially the same parties, property, transaction or event; and (2) it appears likely that there will
9 be an unduly burdensome duplication of labor and expense or conflicting results if the cases are
10 conducted before different Judges.” Civil L.R. 3-12(a).

11 Whenever a party knows or believes that an action may be related to an action which is or was
12 pending in the Northern District, said party “must promptly file in the lowest numbered case an
13 Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11.”
14 Civil L.R. 3-12(b). That motion must include “(1) the title and case number of each apparently
15 related case; (2) a brief statement of the relationship of the actions according to the criteria set forth in
16 Civil L.R. 3-12(a).” *Id.* Once a judicial referral is made, “[t]he parties must file any response in
17 opposition to or support of relating the cases pursuant to Civil L.R. 3-12(e).”

18 Like *Price* and the other related actions, the *Schinder* complaint names as defendants
19 Facebook, Inc. and Cambridge Analytica. Also, like *Price* and the other related actions, the *Schinder*
20 complaint focuses on the collection and dissemination of Facebook users’ personal information to
21 third party app developers, including Cambridge Analytica, without users’ knowledge or consent.

22 *Schinder* and *Price* should be related because they have similar factual and legal allegations
23 concerning the same exploitation of user data. For instance, *Schinder*, *Price* and many other related
24 actions all allege violations of California’s UCL. *See Schinder* complaint at ¶ 97-107; *Price*, 18-cv-
25 01732, ECF No. 1 at ¶ 34-46; *Rubin*, 18-cv-01852, ECF No. 1 at ¶ 83-91; *O’Kelly*, 18-cv-01915, ECF
26 No. 1 at ¶ 45-63; *Beiner*, 18-cv-01953, ECF No. 1 at ¶ 98-104; *Haslinger*, 18-cv-01984, ECF No. 1 at
27 ¶ 111-125; *Kooser*, 18-cv-02009, ECF No. 1 at ¶ 50-69; *Labajo*, 18-cv-02093-KAW, ECF No. at ¶
28 142-149; *Picha*, 18-cv-02090-SK, ECF No. 1 at ¶ 120-129; *Johnson*, 18-cv-02127-SI, ECF No. 1 at ¶

1 103-121; *Gerena*, 18-cv-02201-MEJ, ECF No. 1 at ¶ 70-75; *King*, 18-cv-02276-YGR, ECF No. 1 at ¶
 2 122-130.

3 *Schinder* also alleges violations of the SCA, Invasion of Privacy and Unjust Enrichment –
 4 claims raised in many of the actions the Court has already found related to *Price*. See *Rubin*, 18-cv-
 5 01852, ECF No. 1 at ¶ 75-82; *Gennock*, 18-cv-01891, ECF No. 1 at ¶ 69-107; *O’Kelly*, 18-cv-01915,
 6 ECF No. 1 at ¶ 95-102; *Beiner*, 18-cv-01953, ECF No. 1 at ¶ 80- 97 and ¶ 105-123; *Haslinger*, 18-cv-
 7 01984, ECF No. 1 at ¶ 62-78 and 91-110; *Kooser*, 18-cv-02009, ECF No. 1 at ¶ 98-118; *Labajo*, 18-
 8 cv-02093-KAW, ECF No. at ¶ 101-107 and 158-163; *Picha*, 18-cv-02090-SK, ECF No. 1 at ¶ 109-
 9 119, 130-139, and 165-183; *Iron Wing*, 18-cv-02122-HSG, ECF No. 1 at ¶ 60-69, 85-91, and 97-101;
 10 *Johnson*, 18-cv-02127-SI, ECF No. 1 at ¶ 122-130; *Gerena*, 18-cv-02201-MEJ, ECF No. 1 at ¶ 59-64
 11 and 93-103; *King*, 18-cv-02276-YGR, ECF No. 1 at ¶ 75-107.

12 In short, both *Schinder* and *Price* center on a similar set of facts, the exploitation of Facebook
 13 users’ personal information, and raise similar issues of state, federal, and common law. Relating the
 14 two cases will promote judicial economy and avoid “unduly burdensome duplication of labor and
 15 expense or conflicting results.” Civil L.R. 3-12(a). Thus, Plaintiff *Schinder* supports Judge Laporte’s
 16 referral under Local Rule 3-12(e).

17 CONCLUSION

18 Plaintiff respectfully asks the Court to relate the *Schinder* action to *Price*.
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1 DATED: May 8, 2018

2 By: /s/ Lesley E. Weaver

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